

BOARD OF PAROLE HEARINGS
Consent Calendar – Hearings with Procedural Errors
Monday, December 21, 2015

GOMEZ, ROBERT
Sentencing Court:
Orange

H-51048

Referred by Decision Review

Motion: **Vacate the panel's December 1, 2015, decision and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4).**

Motion by: **Roberts**

Second by: **Turner**

Not Present: **Fritz**

Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, December 22, 2015

ALVAREZ, GUADALUPE **T-37865**
Sentencing Court:
Sacramento

Penal Code section 1170(e)

Motion: **Decline to recommend to the court that the Mr. Alvarez's sentence be recalled or Mr. Alvarez be resentenced based on a finding that the inmate poses a current risk of danger to public safety because of his continued mobility and ability to perform all activities of daily living on his own; and the conditions of his proposed release (specifically, to live with his daughter in an apartment complex where many families reside).**

Motion by: **Peck**
Second by: **Montes**
Not Present: **Fritz**
Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

JACOBSON, BERNAL **B-47556**
Sentencing Court:
Solano

Referred by Chief Counsel

Motion: **Vacate the panel's September 23, 2015, decision to deny parole, and schedule a new hearing.**

Motion by: **Garner**
Second by: **Richardson**
Not Present: **Fritz, Montes**
Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

PASERI, VINCENT
Sentencing Court:
San Bernardino

E-92998

Referred by Chief Counsel

Motion: Vacate the panel's December 1, 2015, decision to grant parole, and schedule a new hearing.

Motion by: **Richardson**

Second by: **Roberts**

Not Present: **Fritz, Peck**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

RICHARDS, MERRIL
Sentencing Court:
Los Angeles

C-66928

Referred by Chief Counsel

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer the July 16, 2015, decision to grant parole for a rescission hearing to consider: (1) whether recent institutional conduct (128-A dated November 1, 2015) demonstrates that the inmate poses an unreasonable risk of danger to the public and (2) whether the panel that granted parole on July 16, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter (dated November 5, 2015) including the psychologist's concerns and confidential information from 2003, 2011, and 2014.

Motion by: **Turner**

Second by: **Garner**

Not Present: **Fritz, Zarrinam**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MCCLAIN, MILTON
Sentencing Court:
Los Angeles

K-06923

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on August 5, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated November 13, 2015, including Mr. McClain's lack of explanation as to why he chose to inflict sexual violence on one of his victims and his minimization of the deliberative actions that preceded each of his crimes.

Motion by: **Anderson**

Second by: **Garner**

Not Present: **Fritz**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

TORRES, MIGUEL
Sentencing Court:
Los Angeles

H-48211

**Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on August 12, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated November 13, 2015, including Mr. Torres's lack of maturity; his recent serious rules violations; and his failure to address his substance abuse issues.

Motion by: **Peck**

Second by: **Montes**

Not Present: **Fritz, Labahn**

Abstained:

Decision: Motion approved by a majority of the commissioners present.

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on August 25, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated December 4, 2015, including confidential information indicating possible serious misconduct after 2009.

Motion by: **Roberts**
Second by: **Singh**
Not Present: **Fritz, Turner**
Abstained:

Decision: Motion approved by a majority of the commissioners present.

Motion: Affirm the panel's August 4, 2015, decision to grant parole based on a finding that Mr. Williams no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Richardson**
Second by: **Labahn**
Not Present: **Fritz, Garner**
Abstained: **Anderson**

Decision: Motion not approved by a majority of the commissioners present.

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on August 4, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated November 20, 2015, including Mr. Williams' limited understanding of the reasons why he participated in the crime; his minimization of his role in the crime; and his limited understanding of the crime's impact on the community.

Motion by: **Singh**
Second by: **Peck**
Not Present: **Fritz, Garner**
Abstained:

Decision: Motion approved by a majority of the commissioners present.